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**UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SIERRA CLUB,)
)
 Plaintiff,)
 v.)
)
UNITED STATES DEPARTMENT)
OF AGRICULTURE, AND)
RURAL UTILITIES SERVICE,)
)
 Defendants.)

Case No. 3:08-cv-04248-SC

**STIPULATED REQUEST AND
~~PROPOSED~~ ORDER TO FURTHER
 EXTEND THE BRIEFING SCHEDULE BY
 SIXTY (60) DAYS**

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10 *Power Cooperative, Inc. and East Kentucky Power*
11 *Cooperative, Inc.*

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Whereas, this case involves several requests by Plaintiff, SIERRA CLUB, for records in the custody or control of Federal Defendants, U.S. DEPARTMENT OF AGRICULTURE and RURAL UTILITIES SERVICE, pursuant to the Freedom of Information Act; and

Whereas, on or around September 25, 2009, Federal Defendants provided responsive records and Vaughn Indices for withholdings; and

Whereas, Plaintiff completed review of responsive records and Vaughn Indices on or around October 23, 2009, resulting in a settlement proposal to Federal Defendants on October 27, 2009; and

Whereas, the Court granted a stipulated request for a 60-day extension, setting the current Scheduling Order (D.E. 59) and allowing the parties to engage in settlement discussions; and

Whereas, the parties have engaged in detailed settlement discussions and are very close to a comprehensive settlement, but are still working to resolve a few outstanding issues (as to which the parties have been exchanging proposals and counter-proposals in recent days and to which the parties expect to make further exchanges by early next week), and to draft a settlement agreement; and

Whereas, the Court's current Scheduling Order requires Federal Defendants and Intervenor-Defendants to file motions for summary judgment on January 19, 2010; and

**STIPULATED REQUEST TO EXTEND
BRIEFING SCHEDULE BY SIXTY DAYS - 2**

Whereas, in light of the schedule and the parties' anticipated settlement, Plaintiff, Federal Defendants, and Intervenor-Defendants (collectively the "Parties"), have conferred and agree that, in an effort to promote judicial efficiency, the current briefing schedule be extended by sixty days to determine whether the remaining issues in the case can be resolved without further litigation. Counsel for Plaintiff represents that he obtained the dates below from the Court's clerk.

IT IS HEREBY AGREED AND THE PARTIES STIPULATE, subject to the Court's approval, that the briefing schedule be extended by approximately sixty days, resulting in the revised schedule as follows:

- | | |
|--------------------|---|
| (a) March 22, 2010 | Last day for Defendant and/or Intervenor(s) to file a motion for summary judgment. |
| (b) April 12, 2010 | Last day for Plaintiff to file opposition to any motion for summary judgment filed by Defendant and/or Intervenor(s) and last day for Plaintiff to file any cross-motion for summary judgment. |
| (c) May 3, 2010 | Last day for Defendant and/or Intervenor(s) to file reply in support of any motion for summary judgment and last day for Defendant and/or Intervenor(s) to file opposition to any motion for summary judgment filed by Plaintiff. |

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**STIPULATED REQUEST TO EXTEND
BRIEFING SCHEDULE BY SIXTY DAYS - 3**

(d) May 21, 2010

Last day for Plaintiff to file reply in support of its crossmotion for summary judgment.

(e) June 18, 2010

Hearing on summary judgment motions.

Respectfully submitted,

/s/ William S. Eubanks II

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/s/ Kristin Henry

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/s/ Michael T. Pyle

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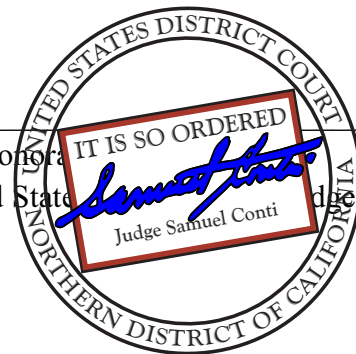
/s/ James Goldberg

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Attorneys for Intervenor-Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Date: 1/14/10

The Honorable
United States



**STIPULATED REQUEST TO EXTEND
BRIEFING SCHEDULE BY SIXTY DAYS - 4**